

[14 December, 2006]

RAJYA SABHA

Exclusion of Creamy Layer from Reservations

2490. SHRI AMAR SINGH:
SHRI GIREESH KUMAR SANGHI:
SHRI SHANTARAM LAXMAN
NAIK: SHRI JANARDHANA
POOJARY: SHRI ABU ASIM AZMI:

Will the PRIME MINISTER be pleased to state:

(a) the complications that have arisen to continue the existing reservation policy of Government in view of the Supreme court's recent judgement for exclusion of creamy layer from SC, ST reservations;

(b) the details in this regard and Government's reaction thereto;

(c) whether any Committee has been constituted to study the recent judgement;

(d) whether any constitutional amendment would be required to implement the Supreme Court's judgement in this regard; and

(e) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL PUBLIC GRIEVANCES AND PENSIONS (SHRI SURESH PACHOURI):
(a) and (b) Reference of creamy layer in the judgement of the Supreme Court in the case of M. Nagaraj is an *obiter dicta* as advised by the Attorney General. The judgement does not require the Government to exclude the creamy layer amongst SCs and STs from the purview of reservation.

(c) and (d) No, Sir.

(e) Does not arise.

Corruption in Government Departments

2491. SHRI NANDIYELLAIAH: Will the PRIME MINISTER be pleased to state:

(a) whether Government had informed the Supreme Court recently that the Central Vigilance Commission would protect those exposing corruption in Government Departments, till a legislation was enacted on the subject;

(b) if so, the details of suggestions made by Government before the Bench of Supreme Court and whether Chief Vigilance Commissioner would be given autonomous independent powers in this regard;

(c) if so, the details thereof;

(d) if not, the reasons therefor;

(e) whether Government are seriously contemplating to bring a Bill in this connection; and

(f) if so, by when?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRI SURESH PACHOURI):

(a) to (c) While hearing Writ Petition (c) No. 539/2003 in the case of murder of Shri Satyendra Dubey, the question of suitable machinery for acting on complaints from Whistle Blowers arose. Accordingly, the Government had issued a Resolution dated 21-4-2004 read with Corrigendum-dated 29-4-2004 authorizing Central Vigilance Commission as the Designated Agency to look into complaints made by whistle blowers and to ensure their protection.

(d) Does not arise.

(e) and (f) The Public Interest Disclosures (Protection of informers) Bill 2002, is under consideration.

Tenure for non-creamy layer certificate

2492. MS. SUSHILA TIRIYA: Will the PRIME MINISTER be pleased to state:

(a) whether it is a fact that Central Administrative Tribunal has fixed a three year tenure for non-creamy layer certificates of OBC candidates; and

(b) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRI SURESH PACHOURI):

(a) and (b) The Central Administrative Tribunal, Guwahati Bench in O.A. No. 264 of 2005 has expressed the view that certificate regarding